

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KEVIN WILLIAMS,	)	
	)	
Plaintiff	)	Case No. 1:18-cv-00098 (Erie)
	)	
vs.	)	SUSAN PARADISE BAXTER
	)	UNITED STATES DISTRICT JUDGE
	)	
	)	RICHARD A. LANZILLO
	)	UNITED STATES MAGISTRATE JUDGE
SUPT. OVERMYER, OBLANDER,	)	
SAWTELLOE, BLICHA, GUSTAFSON,	)	
RIETTENHOUSE, MAHONEY,	)	ORDER REGARDING MOTIONS FOR
TERMAINE, TREVOR WINGARD,	)	SUMMARY JUDGMENT
GINA, AND PATRICA PETERSON,	)	
	)	
Defendants	)	
	)	

Plaintiff and Defendants have both filed Motions for Summary Judgment in his matter. *See* ECF No. 53; ECF No. 62. And both parties have filed Concise Statements of Undisputed Fact supporting their motions, in accordance with our Local Rules. *See* ECF No. 54; ECF No. 64; *see also* LCvR 56(B)(1). However, neither party filed a Response Concise Statement, as contemplated by LCvR 56(C)(1) (a-c). Such Responses are “unequivocally require[d]” under our local rules and the failure to file a Responsive Concise Statement can result in the opposing party’s statements being admitted as undisputed. *See Cuppett v. Rite Aid of Penna.*, 2019 WL 5310578, \*1 n.1 (W.D. Pa. Oct. 21, 2019); LCvR 56(E).

In light of this failure to comply, the Court now grants each party an additional seven (7) days to file their Responsive Concise Statements. These Responsive Statements are to be filed on or before Tuesday, January 14, 2020. Pursuant to our Local Rules such statements must respond to each numbered paragraph in the moving party’s Concise Statement of Material Facts by:

- a. admitting or denying whether each fact contained in the moving party’s Concise Statement of Material Facts is undisputed and/or material;

- b. setting forth the basis for the denial if any fact contained in the moving party's Concise Statement of Material Facts is not admitted in its entirety (as to whether it is undisputed or material), with appropriate reference to the record (*See* LCvR 56.B.1 for instructions regarding format and annotation); and
- c. setting forth in separately numbered paragraphs any other material facts that are allegedly at issue, and/or that the opposing party asserts are necessary for the Court to determine the motion for summary judgment.

*See* LCvR 56(C)(1) (a-c). The Court is, sua sponte, including a copy of Local Rule 56 and a copy of the Defendant's Concise Statement of Material Facts with the copy of this order sent to the Plaintiff at his address of record.

So ordered this 7<sup>th</sup> day of January, 2020.

  
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RICHARD A. LANZILLO  
United States Magistrate Judge